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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,699	12/29/2000	Christoph Lodde	44815/250299	9410

23594 7590 07/03/2002

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EXAMINER

ZIRKER, DANIEL R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- ☐ Int. review Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicants regard as their invention.

2. Claims 2 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, both claims 2 and 6 each feature multiple ranges of values, and thereby are clearly vague and indefinite.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riedel et al. taken either individually or in view of Knoke et al. The primary reference discloses (note particularly the Abstract, column 3 lines 29-36, column 4 lines 5-17, column 5 line 8 - column 6 line 41, column 6 lines 57-63,

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column 7 lines 7-33, column 9 lines 14-65) substantially an anticipation of applicants' claimed adhesive tape formed from a non-woven backing which is coated with an adhesive on one surface, and heat treated on the opposing outer surface. The reference, however lacks a clear teaching of a "needle punched non-woven" formed from the thermoplastic fibers. Note however (column 3 lines 28-31) that needle puncturing of non-woven fabrics such as those disclosed by the secondary reference are clearly taught, and additionally note that (column 6 lines 57-62) ~~that~~ physically entangling the fibers through "needle tacked" techniques is also clearly taught. As such, although the Examiner notes that embossing does not constitute needle punching, the reference may still by itself put this technique well within the ordinary skill of the art. Note also that the reference clearly teaches fibers and binder fibers such as applicants contemplate, as well as (e.g. column 7, lines 14-19) the advantages of supplying heat to the fibrous webs to produce an outer surface structure such as applicants contemplate.

The secondary reference Knoke et al., discloses a closely related article in which a non-woven fabric is made soft and fluffy through the utilization of needle puncturing the non-woven fabric, and also teaches that such fabrics can be coated with a suitable adhesive on one or both surfaces. Accordingly, one of ordinary skill, motivated by the advantages taught by

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Knoke et al. and aware of the clear teachings of related techniques found in the primary reference specification would have more than ample motivation to treat its non-woven fabric backings with a suitable needle punching technique and thereby form the claimed genus of articles. With respect to the dependent claims, those embodiments such as the various mixtures of fiber blends (claims 7-12) are each believed to be clearly hinted at in Riedel at column 5 line 13+, and the remaining parameters that are not either expressly or inherently disclosed are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

5. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Note also Swanson et al., and the Examiner thanks applicants for providing a copy of the European Search Report issued in the corresponding German utility model application, which has been made of record.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be

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reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

June 24, 2002

**DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300**

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Daniel Zirker